Fiscal Estimate - 2011 Session

\boxtimes	Original		Updated		Corrected		Supple	mental				
LRB	Number	11-1095/1		Intro	duction Num	nber A	B-010	3				
Description Receiving a stolen firearm and providing a penalty												
Fiscal	Effect											
	No State Fisc Indeterminate Increase E Appropriat Decrease Appropriat Create Ne	e Existing tions Existing	Reven Decrea	ase Existing	to at	ease Costs osorb withi Yes rease Cost	n agency					
	No Local Gov Indeterminate 1. Increase Permiss 2. Decrease	e Costs sive ☐ Mandat se Costs	3. lncrea ory Permis 4. Decrea ory Permis	ssive 🔲 Mai ase Revenu	Gove	es of Local ernment Ur Fowns [Counties [School [Districts	nits Affect Village Others WTCS District	Cities				
Fund Sources Affected Affected Ch. 20 Appropriations GPR FED PRO PRS SEG SEGS												
Agen	cy/Prepared	Ву	P	uthorized	Signature			Date				
DOJ/ Mark Rinehart (608) 264-9463 Mark				/lark Rineha	rk Rinehart (608) 264-9463							

Fiscal Estimate Narratives DOJ 7/22/2011

LRB Number 11-1095/1	Introduction Number	AB-0103	Estimate Type	Original						
Description										
Receiving a stolen firearm and providing a penalty										

Assumptions Used in Arriving at Fiscal Estimate

Under current law, whoever intentionally receives or conceals stolen property is guilty of: 1) a Class A misdemeanor if the value of the property does not exceed \$2,500; 2) a Class I felony if the value of the property is between \$2,501-\$5,000; and 3) a Class H felony if the value of the property is between \$5,001-\$10,000.

Also under current law, whoever intentionally receives stolen property from a child or conceals stolen property received from a child is guilty of: 1) a Class A misdemeanor if the value of the property does not exceed \$500; 2) a Class I felony if the value of the property is between \$501-\$2,500; and 3) a Class H felony if the value of the property is between \$2,501-\$5,000.

Under 2011 Assembly Bill 103, whoever knowingly or intentionally receives or conceals a stolen firearm is guilty of a Class H felony, regardless of the value of the firearm. In addition, whoever intentionally receives a stolen firearm from a child or conceals a stolen firearm received from a child is guilty of a Class H felony, regardless of the value of the firearm.

While most felony prosecutions are handled by district attorneys, assistant attorneys general in the Department of Justice's Criminal Litigation Unit on occasion act as special prosecutors throughout Wisconsin at the request of district attorneys. In addition, the Department of Justice's Criminal Appeals Unit represents the State of Wisconsin in defending felony convictions when those convictions are challenged in state or federal court. Under Wisconsin law, this unit is charged with preparing briefs and presenting arguments in front of any state appellate or federal court hearing a challenge to a felony conviction.

Since AB 103 broadens the types of activities that can be prosecuted as felonies, it is possible that the enactment of the bill could result in an increased caseload for the department's Criminal Litigation and Criminal Appeals units. The department is not certain how many new felony cases it may handle due to the enactment of AB 103. If the number of new cases DOJ is asked to prosecute, or DOJ is required to handle on appeal, is significant, the department will need additional resources to handle its increased caseload.

Long-Range Fiscal Implications